

REMARKS

Claims 1-26 are pending in this application. In the August 16, 2000, Office Action, claims 1, 2, 4, 6-8, 10-16 and 22 were rejected under 35 U.S.C. §102 citing Vogel et al., U.S. Patent No. 4,629,094 ("Vogel"). The remainder of the claims were rejected under 35 U.S.C. §103 citing Vogel combined with either Aiello, U. S. Patent No. 5,064,123, or Thomas, U.S. Patent No. 5,788,378 and others. For reasons which follow and in view of the amendments to the claims, these rejections are respectfully traversed and reconsideration thereof is requested.

The drawings were objected to because they do not include the reference #88 mentioned on page 11, line 3. The reference numeral on page 11, line 3 is a typographical error and has been corrected above to #86 which is present in the drawings. Accordingly, no correction to the drawings is believed to be necessary.

The specification was objected to for two typographical errors relating to reference numerals on pages 8 and 9. These corrections have been made through this amendment.

Claim 6 was objected to for depending from itself. Claim 6 has been amended to depend from claim 1. Typographical errors have also been corrected in claims 1,11 and 22.

On a substantive basis, the Office Action relies upon the Vogel reference to reject the pending claims including Claim 1. Claim 1 has been amended to define the reducible volume container with a dispensing nozzle. The dispensing nozzle was an element of originally submitted claim 22 and is found in the specification on page 7, line 22 and is shown as #28 in Figure 4B. The contents of the reducible volume container are directed through dispensing nozzle into communication with the pump.

In contrast, Vogel discloses dumping adhesives onto a feed screw 6 within the hopper 1 for supplying to a pump 7. Column 3, lines 23-33. If a plastic bag is utilized in accordance with the variation, or embodiment, of Figure 5, Vogel indicates that the plastic bag 20 may be opened with at least one blade or surge of electric current to grate 3. Column 4, lines 17-22. In short, the bag 20 is ruptured by cutting or melting. The applicant believes that such techniques are not desirable and seriously complicate the objective of providing a closed system, free from contamination or from the curing of adhesives due to exposure to the atmosphere.

Claim 1, as amended, includes the limitation that the reducible volume container have a dispensing nozzle. There is no dispensing nozzle in the plastic bag 20 of Vogel. Instead, a closed bag 20 is cut by a blade or melted by an electrified grate 3. Additionally, claim 1 is not rendered obvious under §103 by the Vogel patent since Vogel is directed to heating cold-setting adhesives and

applying flat strips of those adhesives, while the present invention is directed to sprayable adhesives.

Claims 2, 4, 6, 7-8, 10 depend from amended claim 1. Since claim 1 is now believed to be allowable, claims 2, 4, 6, 7-8, and 10 are also believed to be allowable.

Claim 11 was also rejected under 35 U.S.C. §102 as being anticipated by Vogel. Claim 11 has been amended above to require a dispensing nozzle of the first reducible volume container. The invention selectively communicates the inlet of a pump with the interior of the first reducible volume container through the dispensing nozzle. There is no dispensing nozzle in Vogel and no capability to selectively communicate the container with the pump inlet. Accordingly, claim 11 is not anticipated by Vogel and allowance is respectfully requested.

Claims 12 - 21 depend from amended claim 11. Since claim 11 is now believed to be allowable, claims 12-21 are allowable as well.

Claim 22 has also been rejected under 35 U.S.C §102 as anticipated by Vogel. Claim 22 has been slightly amended to clarify that the dispensing nozzle is a portion of the reducible volume container, not a spray wand, as interpreted in the Office Action. This limitation does not address the spray wand in any way. Accordingly claim 22 is not anticipated by Vogel and allowance is respectfully requested.

The Office Action also rejects claims 3, 9, 18, 20 and 24-26 under 35 U.S.C. §103 as obvious over Vogel in view of Aiello. Claim 3 is cancelled above as its limitations are now incorporated into amended Claim 2.

As amended claims 9, 17, 18, and 20 depend from amended claim 11 and require a reducible volume container with a dispensing nozzle which delivers product to a pump. There does not appear to be similar structure in Aiello. Aiello discloses a pressure pot or air pressure-type system used for applying liquid insecticides, without reducible volume containers. There is no teaching that would result in the combination of Vogel and Aiello for the purpose of selectively connecting a pump to first and second reducible volume containers. The technologies of Vogel and Aiello are distinct and cannot be combined to render claims 9, 17, 18, and 20 obvious without some suggestion to do so. In re Rouffet, 47 U.S.P.Q. 2d 1453, 1456-9 (Fed. Cir. 1998); In re Geiger, 1 U.S.P.Q. 2d 1276 (Fed. Cir. 1987) (Obviousness cannot be established by combining the technology of the prior art to produce the claimed invention, absent some teaching suggesting or incentive supporting the combinations.) Allowance is respectfully requested.

Claims 24-26 depend from amended claim 22 which requires the dispensing nozzle as a part of the reducible volume container, not the spray wand as interpreted by the Office Action. Accordingly, as more clearly stated through the amendment to claim 22, claims 24-26 are directed to various aspects of the dispensing nozzle of the reducible volume container. There is no teaching to

permit combination of the cited references to create the structure of claims 24-26, and allowance is respectfully requested.

Claims 5 and 23 currently stand rejected under 35 U.S.C. §103 over Vogel in view of Thomas, U.S. Patent No. 5,788,378. These claims depend from amended claims 1 and 22, respectively which are now believed to be allowable.

Although the bag of Thomas has an outlet, there is no dispensing nozzle as claimed in claims 1 and 22, is suggested or taught by Vogel, Thomas, or the combination of the two. Neither is any motivation shown to combine the stand-up recloseable food bag of Thomas with the adhesive applicator of Vogel.

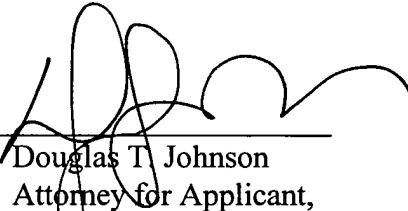
Accordingly, as clarified by the amendments to claims 1 and 22, claims 5 and 23 are now believed to be allowable and such action is respectfully requested.

Finally, claims 19 and 21 currently stand rejected under 35 U.S.C. §103 over Vogel in view of Aiello and Savage, U.S. Patent No. 3,286,933. Once again, the amendment to claim 11 affects claims 19 and 21. There is no suggestion or teaching in any of the three patents listed above to combine the non-reducible volume containers of Savage's duplex chemical feeding system or the non-reducible pressurized containers of Aiello, with the adhesive applicator of Vogel to produce the structure as claimed in claim 11 and thus independent claims 19 and 21. Accordingly, claims 19 and 21 are believed allowable and such action is respectfully requested.

It is submitted that the twenty-five pending claims as now presented, Numbers 1, 2, and 4-26, are allowable and that the present application is in condition for allowance. Such action is respectfully requested. No fee is believed to be due with this response. Any overpayment or deficiency in payment may be applied against Deposit Account 13-3403.

Respectfully submitted,

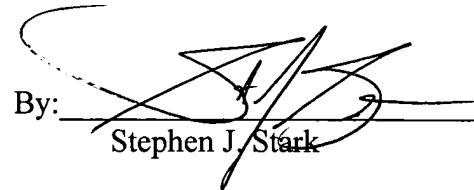
Date: 10/16, 2000

By: 

Douglas T. Johnson
Attorney for Applicant,
MILLER & MARTIN LLP
Suite 1000 Volunteer Building
832 Georgia Avenue
Chattanooga, Tennessee 37402
(423) 756-6600

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231, on this 17th day of October, 2000.

By: 

Stephen J. Stark